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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/944,922      | 08/31/2001  | Joseph B. Fuller     | 29409/01            | 2250             |

7590 07/26/2004  
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|                  |              |
|------------------|--------------|
| EXAMINER         |              |
| TORRES, ALICIA M |              |
| ART UNIT         | PAPER NUMBER |
| 3671             |              |

DATE MAILED: 07/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/944,922

Applicant(s)

FULLER, JOSEPH B.

Examiner

Alicia M Torres

Art Unit

3671

*llw*

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Letter, as cited by applicant.

A trimmer comprising:

a base (12);

a motor (16) attached to said base (12) wherein said motor (16) is attached to and rotates a cutting element (20) wherein said cutting element (20) comprises at least one line (see column 3, lines 26-29);

two unidirectional wheels (56, 58, see column 5, lines 5-7) attached directly to said base (12);

a multidirectional wheel (36) attached directly to said base (12);

a handle (22); and

a universal joint (see column 2, lines 55-56 and lines 60-61) connecting said handle (22) to said base (12), as per claim 1 ; and

wherein the base (12) comprises a recess (any of the unnumbered recesses of the base “12”, for instance the recess located at direction arrow “122” in figure 6), as per claim 2.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Letter in view of Yamada.

The device is disclosed as applied to claim 1 above. However, Letter fails to disclose a lower grip attached to the handle.

Yamada discloses a trimmer including a lower grip.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the lower grip of Yamada on the device of Letter in order to support the apparatus in good balance.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Letter in view of Cartier.

The device is disclosed as applied to claim 1 above. However, Letter fails to disclose wherein said universal joint comprises:

a handle couple attached to said handle;

a link rotatably attached to said handle couple; and

a bracket rotatably attached to said link and attached to said base.

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Cartier discloses a similar device including a universal joint (40) connecting the handle to the base wherein the universal joint (40) comprises:

A handle couple attached (50) to the handle (unnumbered, upper handle);

A link (46) rotatably attached to the handle couple (50); and

A bracket (47) rotatably attached to the link (46) and attached to the base (head of trimmer 12), as per claim 4.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the universal joint of Cartier on the device of Letter in order to articulate the tool in all directions.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Letter in view of Knox, Jr.

The device is disclosed as applied to claim 1 above. However, Letter fails to disclose wherein the motor is an electric motor.

Knox discloses a trimmer wherein the motor (33) is an electric motor.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the electric motor of Knox on the device of Letter in order to provide a lightweight power means.

#### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

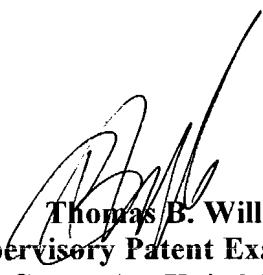
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***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Torres whose telephone number is 703-305-6953. The examiner can normally be reached Monday through Thursday from 7:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 703-308-3870.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-1113. The fax number for this Group is 703-872-9306.



**Thomas B. Will**  
**Supervisory Patent Examiner**  
**Group Art Unit 3671**

AMT  
July 13, 2004